

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marsot Docket No.: PEL 2836
Serial No.: 10/574,242 Group Art Unit: 3736
Conf. No. 5504
Filing Date: 02/09/2009 Examiner: Szmal, Brian Scott
For: Measurement and apparatus for improved sample capture device

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**DECLARATION TO DISQUALIFY COMMONLY OWNED
PATENT OR PUBLISHED APPLICATION AS PRIOR ART (37 C.F.R. § 1.130)**

1. This declaration is to state that the instant application and the reference of U.S. Patent Pub. No. US 2004/0098009 and 2004/0092995 cited by the Examiner, which are not prior art under 35 U.S.C. 102(b), are currently owned by the same party, Pelikan Technologies, Inc., and that the inventor named in the instant application is the prior inventor under 35 U.S.C. § 104.

2. The person making this declaration is:

- ☐ The inventor.
☐ only some of the joint inventor(s).
☒ the party in interest.

3. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4. A terminal disclaimer in accordance with § 1.321(c) is attached.

Respectfully submitted,

Date: 15/XII/10

By: Dominique M Freeman
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